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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,239	11/10/1999	MASAAKI HYODO	1883-32	7692

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NIXON & VANDERHYE, PC  
1100 N GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/26/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/437,239

Applicant(s)

HYODO ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honjo (6,006,007) in view of Fujinami et al (5,455,685) .

Regarding claim 9 , Honjo discloses a reproducing apparatus (Figs. 3 and 4 column 2, lines 38-65) for reproducing multiplexed coded data and control data from a recording medium, the multiplexed coded data comprising coded audio-data and coded video-data and being recorded as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded data, said reproducing apparatus comprising:

a recording medium controller (4) for reading the multiplexed coded data and control data ; and a coded data control section (6) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data: wherein the control data includes the key-frame location information (addresses of I frames) , the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (Figs 1,2,4 and 5, columns 3 and 4) ) or of the coded audio-data corresponding to the key-frame.

Honjo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

Fujinami teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs ( column 12, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Honjo apparatus for additionally processing audio when needed .

Applicant argues that Honjo fails to teach that location information including information on a head position data of a data pack .

In response, the examiner disagrees. It is submitted that Honjo teaches that data is formed a group of picture and sectors (packs) and a key frame is at the beginning

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of the pack and the location information (addresses) for key frame is added to the had of the key frame to enable of reproducing the key frame that has addresses stored in the control information area. Further it is noted that Fujinami also teaches that a group picture is formed as sector or pack of video data and audio data and information in a TOC including the stat of key frame (I frame) of each pack. It is clear that the combination of Honjo and Suriname teaches the location information including a head position information (address information) of a pack. Applicant further argues that "the claimed invention directly **to control** the head position of a data pack including the head of coded data of the key frame." In response, it is submitted that applicant argument is not recited in claim. What the head position being does and how the head position is being controlled are not recited in claims.

Regarding claim 12, Honjo discloses a recording apparatus (Figs. 1 and 2, column 2, lines 1-37) for recording multiplexed coded data and control data to a recording medium, the multiplexed coded data comprising coded audio-data and coded video-data as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded. data, said recording apparatus comprising: a recording medium controller (13) for recording the multiplexed coded data and control data; and a coded data control section for controlling the recording of the control data by controlling the recording medium controller according to the multiplexed coded data; wherein the control data includes the key-frame location information, the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded

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video-data of the key-frame or a head of the coded audio-data corresponding to the key-frame (Figs. 1 and 2, columns 3 and 4).

Honjo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

Fujinami teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs (Fig. 13, column 12).

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Honjo apparatus for additionally processing audio when needed .

Regarding claims 10 and 13, Honjo further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (Fig. 2).

Regarding claims 11 and 14, Honjo as modified with Fujinami further teaches that the multiplexed coded data comprises coded audio-data, coded video-data and a header added for multiplexing the coded audio data with the coded video-data and is recorded on the recording medium as separate data-pack each having the header on a head position (See Fujinami figure 13, column 12 and Honjo figure 2) .

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3. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togo et al (JP 40613326A) in view of the admitted prior art figures 1 and 2 and associated description in the specification pages 1-6.

Regarding claim 9 , Togo discloses a reproducing apparatus (Figs. 1, Abstract) for reproducing multiplexed coded data and control data from a recording medium (13) , the multiplexed coded data comprising coded video-data and being recorded as a plurality of separate data-packs (Figs 1-8) the control data being recorded separately from the multiplexed coded data, said reproducing apparatus comprising:

a recording medium controller (reproducing head) (14) for reading the multiplexed coded data and control data ; and a coded data control section (11) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data: wherein the control data includes the key-frame location information (addresses of I frames) , the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (Figs 1-8, Abstract).

Togo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

The admitted art figures 1 and 2 teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs ( Fig. 20).

It would have been obvious to one of ordinary skill in the art to modify Togo with the admitted prior art by using a processing means as taught by the admitted prior art for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Togo apparatus for additionally processing audio when needed .

Regarding claim 12, Togo discloses a recording apparatus (Figs. 1, Abstract) for recording multiplexed coded data and control data to a recording medium, the multiplexed coded data comprising coded video-data as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded. data, said recording apparatus comprising: a recording medium controller (13) for recording the multiplexed coded data and control data; and a coded data control section for controlling the recording of the control data by controlling the recording medium controller according to the multiplexed coded data; wherein the control data includes the key-frame location information, the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame or a head of the coded audio-data corresponding to the key-frame (Figs. 1-8, Abstract).

Togo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

The admitted prior art figure 1 and 3 a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs.



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It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Togo apparatus for additionally processing audio when needed.

Regarding claims 10 and 13, Togo further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (Abstract, figures 5-8).

Regarding claims 11 and 14, Togo as modified with the admitted prior at figures 1 and 2 further teaches that the multiplexed coded data comprises coded audio-data, coded video-data and a header added for multiplexing the coded audio data with the coded video-data and is recorded on the recording medium as separate data-pack each having the header on a head position (See the admitted prior art figures 1 and 2 and Togo figures 1-8).

Applicant argues that Tojo fails to teach that the control data is not multiplexed with video data and audio data. In response, it is noted that Tojo teaches the control data is separately stored on the medium. Tojo discloses the storage 13 having area 23 (header table information table preservation program) being stored with the control data relating the header address information of the dynamic images stored on the medium 23.

### ***Conclusion***

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamagishi et al teaches apparatus for recording coded video data and control information including information indicating a position of a next GOF to be reproduced .

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER